

Response

Applicant: Antti Kokkinen

Serial No.: 10/688,640

Filed: October 17, 2003

Docket No.: 200701903-2

Title: UPDATE SYSTEM EMPLOYING REFERENCE SOFTWARE TO REDUCE NUMBER OF UPDATE PACKAGES

REMARKS

The following remarks are made in response to the Office Action mailed July 21, 2009. Claims 1-24 were rejected. With this Response, no claims have been amended. Claims 1-24 remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 103

The Examiner rejected claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over the O'Neil WO 02/41147 A1 Patent Application Publication.

Independent claim 1 recites generating an update package for updating at least one software application. The **update package is generated based upon difference information between the at least one software application and at least one reference software installed on the electric device**. The at least one **software application is updated using the update package and the reference software**. The updating leaves the at least one **reference software unchanged** on the electric device.

Independent claim 12 includes similar limitations including a software delivery device for receiving and installing **a reference software to the electronic device** if the electronic device does not have the reference software previously installed. The software delivery device receives and delivers at least one update package to the electronic device. The at least one **update package is based on differences between at least one application software and the reference software, and the reference software facilitates, using the at least one update package, at least one update to the application software installed on the electronic device**. The updating leaves the **reference software unchanged** on the electronic device.

The Examiner equates both the "version manifest" and the "server manifest" disclosed in the O'Neil publication to the reference software defined in independent claims 1 and 12. As disclosed at page 12 of the O'Neil publication, the update generator 102 may create a version manifest which comprises a list of archived update packages 110. As disclosed at page 15 of the O'Neil publication, the update server array 122 may create a server manifest comprising a list of archived update packages. As disclosed at page 20 of the

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O'Neil publication, the polled server manifest comprises information to determine the latest available version of the software, file system, or hardware to be updated. Once the server manifest is transferred to and obtained by the client device 104, the update installation process advances to a state where the client device 104 compares the update signature in the server manifest with that of the existing operation software present on the client device 104. A comparison process may be used by the client device 104 to determine if the update package 104 should be downloaded from the update device server 136 and installed on the client device 104.

As such, neither the “version manifest” nor the “server manifest” disclosed in the O'Neil publication are equivalent to the reference software defined in independent claims 1 and 12 as both the version manifest and the server manifest merely comprise lists of achieved update packages and the server manifest comprises information to determine the latest available version of the software, file system, or hardware to be updated. Furthermore, the O'Neil publication disclosure of comparing the update signature in the server manifest with that of the existing operation software present on the client device 104 to determine if the update package 104 should be downloaded from the update device server 136 and installed on the client device 104 is in no way equivalent to an **update package being generated based upon difference information between at least one software application and at least one reference software installed on the electric device** and the at least one **software application is updated using the update package and the reference software** as defined in independent claim 1 and as similarly defined in independent claim 12.

In view of the above, independent claims 1 and 12 include limitations that are not taught or suggested by the O'Neil publication, alone or in combination with the other cited references. Furthermore, dependent claims 2-11 further define patentably distinct independent claim 1. Dependent claims 13-20 further define patentably distinct independent claim 12. Therefore, these dependent claims are also believed to be allowable.

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The Examiner rejected claims 21-24 under 35 U.S.C. § 103(a) as being unpatentable over the O'Neil WO 02/41147 A1 Patent Application Publication in view of the Crudele et al. U.S. Patent Application Publication No. 2002/0099726.

The Examiner admits that the limitations of independent method claims 21 and 22 related to generating a third update package for updating the at least one software application, the third update package being generated based upon difference information between the first and second update package, and updating the at least one software application using the third update package is not taught by the O'Neil. publication. Similarly, the Examiner admits that the limitations of independent system claims 23 and 24 related to a second update package generator for generating update packages based upon difference information between different update packages and a software delivery device for delivering at least one update package generated based upon difference information between different update packages to the electronic device is not taught by the O'Neil publication.

The Examiner relies on the Crudele et al. publication to teach these limitations. However, the Crudele et al. publication does not teach or suggest these limitations of independent claims 21-24.

The Crudele et al. publication at paragraph [0035] discloses that a software package can be either a "full" software package containing the entire new code to be installed or a "delta" software package containing a delta file. The installation of a "delta" software package consists in rebuilding the new code version of the code from the base file (the previous version of the code) already installed on the endpoint station. The Crudele et al. publication at paragraph [0024] discloses that matching sequences of code are not copied into the delta file and only new data will become part of the resulting delta file. The Crudele et al. publication at paragraph [0025] discloses that the delta software package includes at least one delta file, where the delta file for each new code file is prepared. The Crudele et al. publication at paragraph [0035] discloses that the installation sequence of steps is repeated until the end of delta file is reached for each of the delta files in the software package.

As such, instead of teaching generating a third update package for updating the at least one software application, the **third update package being generated based upon difference information between the first and second update packages and updating the**

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at least one software application using the third update package such as recited in independent method claims 21 and 22 and similarly defined in independent system claims 23 and 24, the Crudele et al. publication discloses a “delta” software package that includes one delta file for each new code file that is generated by rebuilding the new code version of the code from the base file (the previous version of the code) already installed on the endpoint station and the installation sequence of steps is repeated until the end of delta file is reached for each of the delta files in the software package. Therefore, the above recited limitations of independent claims 21-24 are not taught or suggested by the Crudele et al. publication.

In view of the above, the above recited limitations independent claims 21-24 that are admittedly not taught by the O’Neil publication and are also not taught or suggested by the Crudele et al. publication. Therefore, these limitations are not taught or suggested by the combination of the O’Neil publication and the Crudele et al. publication.

Therefore, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 103 rejections to the claims, and requests allowance of claims 1-24.

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-24 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-24 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(h)(i). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 08-2025.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to Patrick G. Billig at Telephone No. (612) 573-2003, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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